

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

OA 1987/96

New Delhi this the 20th day of March, 1997.

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri R.K. Ahuja, Member (A)

Shri Bhagwan Chandwani,
s/o Sh. Gurmu^h Das,
formerly Head Draftsman,
Northern Railway,
R/o CD-51-C DDA Flats,
Hari Nagar, N/Delhi-54.

(By advocate Shri D.R. Roy)

... Applicant

vs.

Union of India,
through the General Manager,
N.R. Headquarters Office,
Baroda House, New Delhi-1

(By advocate Shri B.S. Jain)

... Respondent's

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

Heard.

2. This application has been filed by the applicant claiming promotion as Chief Draftsman w.e.f. 2.8.1984 on the basis of the Next Below Rule and also pay fixation. According to the applicant, he had made a representation to the respondents as far back as 7.3.1986 which has not been replied so far. Thereafter he had filed OA 1546/90 to agitate his claim regarding fixation of his pay in the scale of Rs 700-900 which had been given to his juniors. The respondents have taken the preliminary objection on the grounds of limitation as well as res-judicata. Both counsel have been heard on these grounds.

3. We have carefully considered the judgment of the Tribunal in OA 1546/90 in which the applicant had also filed CP 149/95. In OA 1546/90, we note that one of the grounds taken by the applicant was with regard to denial of promotion to him to the higher grade of Rs 700-900 even though the same was offered to his juniors. We also note that this matter has been dealt with in CP 149/95 order dated 25.4.96. Having regard

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to these facts and the judgment of the Hon'ble Supreme Court in Commissioner of Income Tax v. T.P. Kumaran (1996(3)SLJ SC 101). We are of the view that this application is barred by the principle of constructive of resjudicata and it is accordingly liable to be dismissed.

4. In this view of the matter, we are not expressing any ~~opinion~~ view on the question of limitation or merits. In the result, this application fails and it is accordingly dismissed on the ground of resjudicata. No order as to costs.

~~R.K. Ahuja~~
(R.K. Ahuja)

Member (A)

~~Lakshmi Suaminathan~~
(Smt. Lakshmi Suaminathan)

Member (J)